

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

June Meeting of the California Coastal Commission

MEMORANDUM

Date: June 16, 2011

TO: Commissioners and Interested Parties
FROM: Charles Lester, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the June 16, 2011 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

DE MINIMIS WAIVERS

1. 3-11-009-W Monterey Bay Sailing, Attn: Anthony Rappa (Monterey, Monterey County)
2. 3-11-033-W Giovanni's Fish Market, Attn: Giovanni Degarimore (Morro Bay, San Luis Obispo County)
3. 3-11-037-W Coastal San Luis Resource Conservation District; San Luis Obispo County Public Works Department (Oceano & Arroyo Grande, San Luis Obispo County)

IMMATERIAL AMENDMENTS

1. 3-10-029-A1 [REDACTED] (Pacific Grove, Monterey County)

TOTAL OF 4 ITEMS

DETAIL OF ATTACHED MATERIALS

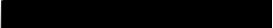
REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-11-009-W Monterey Bay Sailing, Attn: Anthony Rappa	Install two 6" steel and concrete pilings to support a 22' x 18" floating dock/camel, creat new berthing space at te north end of the wharf, and retain existing storage shed at the lower deck.	78 Old Fisherman's Whar #1, Monterey (Monterey County)
3-11-033-W Giovanni's Fish Market, Attn: Giovannie Degarimore	Temporarily install a new 35' gangway to access an existing floating dock and construct a temporary 6' x 7' cantilevered landing to access the gangway along the Embarcadero at 1001 Front Street in the City of Morro Bay, San Luis Obispo County. The temporary gangway access would be for use by the commercial and recreational fisherman that currently utilize the floating dock below, and it would be closed to the general public. The gangway access would be installed for a maximum of two years (until June 16, 2013), or until such time as the Commission acts on the associated restaurant and dock expansion project currently proposed at the project site (see CDP application 3-11-031). After the temporary authorization period ends, if the Commission does not grant authorization to continue the use of this gangway access project, the applicant will remove all such development and restore the site to the pre-project condition. This temporary dock access project is proposed with a caveat that it is only temporary, and that Commission authorization of it will not be used as evidence to support an argument that the Commission already decided on the long term use parameters of the gangway access and dock in question, so as not to prejudice the Commission action on the subject CDP application (3-11-031) or any other CDP application for development at the project site	1001 Front Street (lease sites 105.1W and 102W), Morro Bay (San Luis Obispo County)
3-11-037-W Coastal San Luis Resource Conservation District San Luis Obispo County Public Works Denartment	Minor hand trimming of willow root sprouts to encourage canopy growth; minor thinning of lower branches of woody vegetation (primarily willows) located between the levee and the active flow meandor of Arroyo Grande Creek in order to increase channel capacity for flood control purposes; removal of invasive plant species; and trash and debris removal.	Arroyo Grande Creek (from the South San Luis Sanitation Plant upstream to approximately 1000 feet north of the confluence with Los Berros Creek; Los Berros Creek from confluence east to Century Lane), Oceano & Arroyo Grande (San Luis Obispo

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-10-029-A1 	CDP 3-10-029 would be amended to: 1) authorize enlargement of the detached storage building by an additional 42 sq.ft. entirely within the existing development envelope area and outside of the dune restoration/open space area, and 2) to modify special condition 1(a) to reflect the 42 sq.ft.increase in building coverage and the same reduction in outdoor living space coverage.	1400 Pico Avenue (Asilomar Dunes), Pacific Grove (Monterey County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: June 2, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DC*
Mike Watson, Coastal Planner *MW*
Subject: Coastal Development Permit (CDP) Waiver 3-11-009-W
Applicant: Monterey Bay Sailing

Proposed Development

Install two 6" steel and concrete pilings to support a 22' x 18" floating dock/camel, create new berthing space at the north end of the wharf, and retain existing storage shed at the lower deck at 78 Old Fisherman's Wharf #1 in Monterey, Monterey County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project is designed to facilitate expanded boating operations associated with a visitor serving commercial sailing operation on a finger of Fisherman's Wharf currently devoted to such uses. As such, the project meets the Coastal Act's allowable use requirements for new floating docks, and should facilitate public recreational use and enjoyment at the site. Existing access to Fisherman's Wharf itself would be unchanged. BMPs, including piling installation measures to minimize disturbance of bottom sediments and benthic organisms, and containment measures to prevent foreign materials from entering the harbor and bay waters, consistent with those typically applied by the Commission are part of the project. In addition, a survey of the immediate wharf area concluded that there is no sensitive plant or animal species within the area of the proposed dock expansion. In sum, the proposed amendment will not have any adverse impacts on coastal resources and will enhance public access and recreational opportunities at Fisherman's Wharf consistent with the Coastal Act and the certified City of Monterey Harbor Land Use Plan.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, June 16, 2011, in Marina del Rey. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: June 2, 2011
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Madeline Cavalieri, Coastal Planner *Madeline Cavalieri*
Subject: Coastal Development Permit (CDP) Waiver 3-11-033-W
Applicant: Giovanni DeGarimore, Giovanni's Fish Market

Proposed Development

Temporarily install a new 35' gangway to access an existing floating dock and construct a temporary 6' x 7' cantilevered landing to access the gangway along the Embarcadero at 1001 Front Street in the City of Morro Bay, San Luis Obispo County. The temporary gangway access would be for use by the commercial and recreational fisherman that currently utilize the floating dock below, and it would be closed to the general public. The gangway access would be installed for a maximum of two years (until June 16, 2013), or until such time as the Commission acts on the associated restaurant and dock expansion project currently proposed at the project site (see CDP application 3-11-031). After the temporary authorization period ends, if the Commission does not grant authorization to continue the use of this gangway access project, the applicant will remove all such development and restore the site to the pre-project condition. This temporary dock access project is proposed with a caveat that it is only temporary, and that Commission authorization of it will not be used as evidence to support an argument that the Commission already decided on the long term use parameters of the gangway access and dock in question, so as not to prejudice the Commission action on the subject CDP application (3-11-031) or any other CDP application for development at the project site.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project is temporary and would provide more convenient access for the commercial and recreational fishermen that use the existing floating dock fronting the public accessway and restaurant at this location. Currently, the main access to this floating dock is via a ladder, which makes such access difficult, particularly with equipment and fish catch. Commercial and recreational fishing uses are priorities under the Coastal Act, and the proposed project would provide enhanced access for these uses. At the same time, however, because the gangway access is not public, it raises questions regarding its consistency with Coastal Act policies requiring maximum general public recreational access and dock use in coastal waters, including the way in which such access should be understood in relation to the gangway and the floating dock at this location. These questions are common for projects along the Embarcadero, and are generally resolved through CDPs when significant improvements are proposed



NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-11-033-W (Giovanni's Fish Market)

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and made. In this case, such improvements are proposed (CDP 3-11-031), and will be evaluated in that context. Allowing the gangway access in the interim is appropriate to help facilitate more convenient access for the commercial and recreational fisherman that use the existing dock, while still allowing such overall public use questions to be resolved within the context of the overall development project. As a temporary project that by its own description is designed to avoid prejudicing the Commission's future consideration of the appropriate public use parameters, it would not prejudice the Commission's future ability to approve, condition, or deny this gangway access in conjunction with the existing CDP application for the dock expansion project (CDP application 3-11-031) or future CDP applications. In sum, the proposed amendment will enhance commercial and recreational fishing opportunities consistent with the Coastal Act and the certified City of Morro Bay Local Coastal Program, while ensuring that public recreational access issues associated with the site, including the gangway and dock access, are resolved in the near term through subsequent Commission action, and can be found Coastal Act consistent for these reasons.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, June 16, 2011, in Marina del Rey. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Madeline Cavalieri in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: June 2, 2011

To: All Interested Parties

From: Dan Carl, Central Coast District Manager *DCarl*
Jonathan Bishop, Coastal Planner *JB*

Subject: Coastal Development Permit (CDP) Waiver 3-11-037-W
Applicants: Coastal San Luis Obispo Resource Conservation District/San Luis Obispo County
Public Works Department

Proposed Development

Minor hand trimming of willow root sprouts to encourage canopy growth; minor thinning of lower branches of woody vegetation (primarily willows) located between the levee and the active flow meander of Arroyo Grande Creek in order to increase channel capacity for flood control purposes; removal of invasive plant species; and trash and debris removal.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project, like the preceding six projects previously authorized by the Commission, has been designed to avoid adverse impacts to coastal resources by limiting the extent of trimming and vegetation thinning, and limiting such activities to crews using hand tools only. Only fallen and low overhanging willow branches will be cut and all root balls will be left intact. Large woody material within the creek channel will be cut or notched and left in the channel to provide woody habitat. The crews will also remove all invasive exotic species. No heavy machinery will be allowed to enter the creek channel and the use of herbicides is prohibited. The project includes biological surveys prior to hand thinning and trimming activities. Biological monitors will be in place for the duration of the project to ensure these activities do not disrupt any occupied habitat areas. In the future, the County/RCD intends to address the larger resource management issues surrounding the Arroyo Grande Creek waterway through the context of a long-range management plan. Thus this project, like previous projects like it authorized by the Commission, is best understood as an interim measure that can be applied to address limited vegetation management needs until the long-term plan is complete and implemented. Progress is being made on the longer-term approach, including the completion of a draft EIR. In the meantime, the project provides an appropriate interim vehicle to address ongoing vegetation management issues within Arroyo Grande Creek and can be found Coastal Act consistent.



NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-11-037-W (Arroyo Grande Creek Vegetation Management)

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Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, June 16, 2011, in Marina del Rey. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Bishop in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: June 3, 2011

To: All Interested Parties

From: Dan Carl, Central Coast District Manager *DCarl*
Mike Watson, Coastal Planner *MW*

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-10-029-A1
Applicants: [REDACTED]

Original CDP Approval

CDP 3-10-029 was approved by the California Coastal Commission on November 18, 2010. CDP 3-10-029 provides for renovation and addition to an existing single-family residence, including demolition and reconstruction of an existing detached storage building at 1400 Pico Avenue, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-071-002).

Proposed CDP Amendment

CDP 3-10-029 would be amended to: 1) authorize enlargement of the detached storage building by an additional 42 square feet entirely within the existing development envelope area and outside the dune restoration/open space area, and 2) to modify special condition 1(a) to reflect the 42 square foot increase in building coverage and the same reduction in outdoor living space coverage. The Commission's reference number for this proposed amendment is 3-10-029-A1.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed amendment would result in a modest expansion of the approved storage building entirely within the development envelope footprint and outside of the required dune restoration area. The proposed addition is compatible with the design aesthetic of the approved project, and will not impact public views or the protected dune area. In sum, the proposed amendment will not have any adverse impacts on coastal resources or public access to the shoreline and is therefore consistent with the Coastal Act and certified City of Pacific Grove Land Use Plan.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Thursday, June 16, 2011, in Marina del Rey. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.

